

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 3364 of 1997

Between:

Y.Kasaiah S/o. Subbaiah
R/o. Vinukonda, Guntur District.

..... PETITIONER

AND

- 1 The Superintending Engineer, APSEB
4th Line, Brodipet, Guntur
- 2 The Member Secretary, APSEB
Vidyut Soudha, Hyderabad.
- 3 The Divisional Electrical Engineer Operation, APSEB
Narsaraopet, Guntur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing the respondents to appoint the petitioner as Junior Assistant or any other equivalent posts by considering their cases as per Memo No. OSD(D)/DM.1/A3/1138/85-1 dt.26/8/1985 issued by the Board with all consequential benefits.

Counsel for the Petitioner: MR.S.GOPAL RAO

Counsel for the Respondents: Mr. S. RAVINDRANATH (SC FOR A.P.S.E.B.)

The Court made the following ORDER:

This writ petition is filed by the petitioner praying for issuance of writ of *mandamus* directing the respondents to appoint him as Junior Assistant or any other equivalent post by considering his case as per Memo No.OSD(D)/DM.1/A3/1138/85-1 dated 26/8/1985.

The case of the petitioner is that he passed intermediate examination and worked as a casual labourer under the control of the respondents for about 132 days, therefore, he became eligible for being considered for absorption as a Junior Assistant or any other equivalent post in terms of the above-referred Memo. But, however, in spite of repeated representations made by the petitioner, there was no response from the respondents. Hence, the present writ petition has been filed.

The learned counsel for the petitioner contended that as per the Memo relied upon by the petitioner, the minimum period one has to work as a casual labourer possessing the educational qualification of pass in tenth class and above is only 80 days but however the petitioner worked for 132 days. In spite of it, the respondents did not consider the case of the petitioner.

The learned standing counsel appearing for the respondents contended that even as per the writ affidavit, the age of the petitioner is 38 years in the year 1997. He further contended that the affidavit does not disclose during which period the petitioner worked for 132 days as a casual labourer. Further even as per the Memo relied upon by the petitioner, the petitioner has to produce a certificate issued by the Divisional Electrical Engineer certifying that the petitioner had worked so many number of days as a casual labourer and in the absence of any such material, the petitioner is not entitled for any relief.

Heard both sides and considered the material available on record.

Though the petitioner filed representation claiming for absorption as Junior Assistant before the respondent- APSEB Board, but the petitioner did not produce the necessary particulars supported by the certificate issued by the Divisional Engineer as contemplated under the above-referred Memo. In the absence of the said material, the petitioner is not entitled for the relief sought for.

The writ petition is accordingly dismissed. No costs.

S.Ananda Reddy, J

Date:16.09.2004

va

To

- 1 The Superintending Engineer, APSEB
4th Line, Brodipet, Guntur
- 2 The Member Secretary, APSEB
Vidyut Soudha, Hyderabad.
- 3 The Divisional Electrical Engineer Operation, APSEB
Narsaraopet, Guntur
- 4 Two CD Copies